

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Linda Malloy, Administratrix of)
the Estate of Willie L. Murray, Jr.,)
Mother, Guardian and Next Friend)
Willie L. Murray, III,)
Plaintiff,) Civil Action #05-10545 RGS
v.)
City of Boston and Officer
Shawn West,)
Defendants.)

PLAINTIFF'S ASSENTED TO MOTION TO EXTEND TIME
IN WHICH TO DESIGNATE EXPERT WITNESSES
UNDER THE SCHEDULING ORDER

Now comes the plaintiff in the above entitled civil action and respectfully requests that this Court extend the time in which the plaintiff is required to designate expert witnesses from December 15, 2005 to and including March 15, 2006. For her reasons the plaintiff states the following:

1. The initial scheduling conference in this case was held on June 6, 2005 at which time the parties stipulated and the Court endorsed an initial scheduling order.
2. The order provides that automatic discovery was to be delivered on or before August 15, 2005.
3. Due to miscommunication, no automatic discovery was provided and on November 29, 2005 the plaintiff served written requests for discovery on both defendants.
4. The responses to the written discovery are not yet due, however, the plaintiff is required under the order to designate her expert on or before December 15, 2005 and

without discovery she is unable to do so.

5. The plaintiff has very little information regarding the incident which is the basis for this action since she was not married to the victim and the usual information provided by the Boston Police and/or the District AttorneyÆs Office was not available to her since she was considered a non-family member despite the fact that she is the mother of the victim's only child.

6. Plaintiff has more recently obtained some information from an attorney that represented the victimÆs father, however, she needs at a minimum all of the reports and results of the shooting investigation conducted by the Boston Police Department, as well as, the Office of the Suffolk County District Attorney all of which are in the possession, custody and control of the defendants.

7. Counsel for the City of Boston and for Officer West have assented to the allowance of this motion.

WHEREFORE, the plaintiff respectfully requests that the date upon which she is required to designate her expert be continued from December 15, 2005 to March 17, 2006

Respectfully submitted,
LINDA MALLOY, Plaintiff
By her attorney,

/s/Edward F. McLaughlin,
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Dated: December 14, 2005

Assented to:

/s/ Attorney James W. Simpson
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